

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5509

IN THE MATTER OF:

Served January 28, 1999

Investigation of Unauthorized)
Transfer of Control from)
OLANDERS CLARK, Trading as CLOUD)
NINE COACHWAYS, WMATC No. 318,)
to CLOUD NINE COACHWAYS, INC.)

Case No. MP-98-61

This investigation was initiated on November 16, 1998, in Order No. 5449, when it appeared that Olanders Clark had transferred his operations to Cloud Nine Coachways, Inc., without Commission approval. Order No. 5449 directed Cloud Nine Coachways, Inc., to cease and desist from transporting passengers for hire between points in the Metropolitan District and, as a means of determining whether the transfer had indeed occurred as suspected, directed respondents to produce any and all documents in their possession, custody or control relating to such transportation.

Respondents declined to produce the requested documents in a response filed November 19, 1998. Respondents explained that they had ceased doing business and that their assets were being liquidated under Chapter 7 of the federal Bankruptcy Code.¹ Respondents took the position that this excused them from producing the required documents.

We subsequently ruled in Order No. 5494, served January 11, 1999, that under the Compact and the federal Bankruptcy Code, respondents' bankruptcy status did not relieve them of their obligation to produce the documents demanded by Order No. 5449. Accordingly, we ordered respondents to comply with Order No. 5449 or show cause why Certificate No. 318 should not be revoked under Article XI, Section 10, of the Compact for respondents' willful failure to comply with a lawful order of the Commission. Moreover, in consideration of Olanders Clark's confession that he had ceased doing business and was in the process of liquidating his assets, we ordered him to show cause why Certificate No. 318 should not be revoked under Article XI, Section 10, of the Compact for his willful failure to "provide safe and adequate transportation service, equipment, and facilities" as mandated by Article XI, Section 5(a), of the Compact.

We now have before us a request from Olanders Clark for voluntary termination of Certificate No. 318 under Article XI, Section 10(b), of the Compact which provides that the Commission may terminate a certificate of authority upon application by the holder. The request shall be granted.

¹ 11 U.S.C. § 101, et seq.

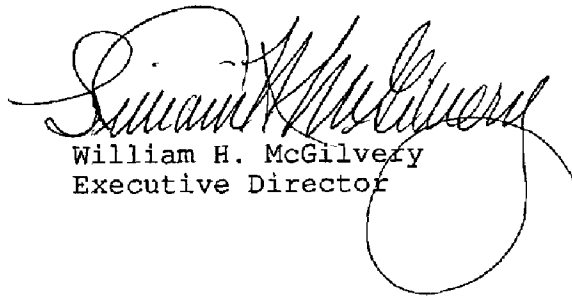
THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 318, issued to Olanders Clark, trading as Cloud Nine Coachways, is hereby terminated, effective this date.

2. That Olanders Clark is hereby directed to remove from any and all vehicles in his possession, custody or control the identification placed thereon pursuant to Commission Regulation No. 61.

3. That Olanders Clark is hereby directed to file within 30 days from the date of this order a notarized affidavit verifying compliance with the preceding paragraph.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director